

Am



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/696,274	10/25/2000	Robert P. St. Pierre	SMQ-036	4372

959 7590 03/30/2004

LAHIVE & COCKFIELD, LLP.
28 STATE STREET
BOSTON, MA 02109

EXAMINER

NGUYEN, DAVID Q

ART UNIT	PAPER NUMBER
----------	--------------

2681

DATE MAILED: 03/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/696,274

Applicant(s)

ST. PIERRE, ROBERT P.

Examiner

David Q Nguyen

Art Unit

2681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 February 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-27 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

2. Claims 1 and 17 are objected to because of the following informalities: ***. Appropriate correction is required.

In claim 1 on line 6, --locating-- should be changed to ---locating--- and ---identifying--- should be changed to ---identifying---

In claim 17 on line 10, ---identing--- should be changed to ---identifying---

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1,3-4,10,17 and 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Wu et al. (US Patent Number 6263344).

Regarding claims 1 and 17, Wuet al. disclose a medium for use with a remote control device interfaced with a network, said network having at least one additional device coupled thereto, said medium holding computer-executable instructions for performing a method comprising the steps of: providing a protocol enabling the dynamic retrieval of at least one command codes for said at least one additional device (see abstract; col. 1, line 65 to col. 2, line 3), said protocol being executed by said at least one additional device and said remote control device (see abstract; col. 1, line 65 to col. 2, line 3); dynamically locating and identifying said at least one additional device using said remote control device (see col. 10, line 66 to col. 11, line 20; fig. 10 and abstract); dynamically retrieving the command codes for said identified device (see col. 10, line 66 to col. 11, line 20; fig. 10 and abstract); with the protocol, controlling the operations of said identified device using said dynamically retrieved command codes (see col. 10, line 66 to col. 11, line 20; fig. 10 and abstract).

Regarding claim 3, the method of Wu further comprises dynamically locating and identifying multiple devices with the remote control device (see col. 10, line 66 to col. 11, line 20; fig. 10 and abstract).

Regarding claim 4, the method of Wu further comprises controlling the operations of multiple devices with the remote control device using the protocol (see col. 10, line 66 to col. 11, line 20; fig. 10 and abstract).

Regarding claim 10, the method of Wu further comprises with the protocol said network attached device providing its command codes and an associated text string for each code to the remote control device in response to a request from the remote control device (see col. 10, line 66 to col. 11, line 20; fig. 10 and abstract).

Art Unit: 2681

Regarding claim 21, Wu et al disclose a system for remotely locating and controlling devices, the system comprising: a network, devices being interfaced with the network (see abstract and fig. 2); and remote controller having a network interface for interfacing the remote controller with the network (see abstract and fig. 2), and a processor for providing a protocol to dynamically locate, and identify the devices interfaced with the network, to retrieve dynamically the command codes of the devices, and to control operations of the devices by means of the dynamically retrieved command codes (see abstract; col. 1, line 65 to col. 2, line 3; col. 10, line 66 to col. 11, line 20; fig. 2 and 10).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2,5-9,11-13 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wu et al. (US Patent Number 6263344) in view of Humpleman et al. (US Patent Number 6466971).

Regarding claims 2 and 18, the method of Wu is silent to disclose wherein said method further comprises the steps of: sending communications over an Internet Protocol (IP) based network. However, Humpleman et al disclose sending communications over an Internet Protocol (IP) based network (see col. 5, lines 5-15 and col. 2, lines 46-51). Therefore, it would have been

Art Unit: 2681

obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of Humpleman to Wu's method in order to be easy for user to control of multiple network attached devices by a remote control device.

Regarding claim 5, the method of Wu further comprises the step of: sending a request using said protocol from said remote control to said identified device for a list of command codes (see col. 10, line 66 to col. 11, line 20; fig. 10 and abstract). Wu et al are silent to disclose receiving at said remote control a list of command codes from the identified device using the protocol. However, Humpleman et al disclose receiving at said remote control a list of command codes from the identified device using the protocol (see col. 14, line 39 to col. 15, line 28). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of Humpleman to Wu's method in order to be easy for user to control of multiple network attached devices by a remote control device.

Regarding claim 6, the method of Wu in view of Humpleman in view of Saito further comprises the step of: sending received command codes to said identified device from the remote control device using the protocol (see col. 14, lines 39 to col. 15, line 28; col. 15, lines 1-5 of Humpleman).

Regarding claims 7 and 8, the method of Wu is silent to disclose displaying on the display surface of said remote control a list of the identified devices available to a user. However, Humpleman discloses displaying on the display surface of said remote control a list of the identified devices available to a user (see col. 8, lines 37-40; and 48-54); selecting a device to control from among those listed on the display surface of the remote control device, said selection performed by a user of the remote control device (see col. 8, lines 37-40; and 48-54 of

Art Unit: 2681

Humpleman). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of Humpleman to Wu's method in order to be easy for user to control of multiple network attached devices by a remote control device.

Regarding claim 9, the method of Wu is silent to disclose with said protocol said identified device receiving a request for its command codes from said remote control device; with the protocol said identified device providing said command codes to the remote control device. However, Humpleman discloses with said protocol said identified device receiving a request for its command codes from said remote control device (see col. 8, lines 50-59 of Humpleman); with the protocol said identified device providing said command codes to the remote control device (see col. 8, lines 50-59 of Humpleman). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of Humpleman to Wu's method in order to be easy for user to control of multiple network attached devices by a remote control device.

Regarding claim 11, the method of Wu is silent to disclose the steps of: with the protocol, said network attached device providing its command codes and an associates graphical image for each command code to the remote control device in response to a request from the remote control device. However, Humpleman discloses with the protocol, said network attached device providing its command codes and an associates graphical image for each command code to the remote control device in response to a request from the remote control device (see col. 10, lines 28-34 of Humpleman). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of Humpleman to Wu's method

Art Unit: 2681

in order to be easy for user to control of multiple network attached devices by a remote control device.

Regarding claim 12, the method of Wu is silent to disclose the steps of: with the protocol, said network attached device providing its command codes and an associates graphical image for each command code to the remote control device in response to a request from the remote control device. However, Humpleman discloses with the protocol, said network attached device providing its command codes and an associates graphical image for each command code to the remote control device in response to a request from the remote control device (see explanation in claims 10 and 11 of Humpleman). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of Humpleman to Wu' method in order to be easy for user to control of multiple network attached devices by a remote control device.

Regarding claim 13, the method of Wu is silent to disclose the steps of: with the protocol, said network attached device receiving and executing one of its command codes from said remote control device. However, Humpleman discloses with the protocol, said network attached device receiving and executing one of its command codes from said remote control device (see col. 8, lines 56-63 of Humpleman). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of Humpleman to Wu' method in order to be easy for user to control of multiple network attached devices by a remote control device.

Art Unit: 2681

5. Claims 14,19, and 22-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wu et al. (US Patent Number 6263344) in view of in view of Tagliabo et al (European Patent 0549541).

Regarding claim 14, Wu et al disclose in a remote control device coupled to a network, the network including at least one additional device coupled thereto, a method comprising: enabling at least one of said additional device to be dynamically located and identified by the remote control device (see abstract; col. 1, line 65 to col. 2, line 3; col. 10, line 66 to col. 11, line 20; fig. 10); controlling the operations of said identified device using command codes dynamically retrieved from the identified device with a common protocol known to both the remote control device and said identified device (see abstract; col. 1, line 65 to col. 2, line 3; col. 10, line 66 to col. 11, line 20; fig. 10). Wu et al. are silent to disclose the remote control device located within a motor vehicle. However, Tagliabo et al disclose a remote control device coupled to a network located within a motor vehicle (see abstract).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of Tagliabo et al to the method of Wu in order to control equipment system, device and appliance in a vehicle.

Regarding claim 19, the method of Wu is silent to disclose wherein said network is located in a motor vehicle. However, Tagliabo et al disclose a remote control device coupled to a network located in a motor vehicle. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of Tagliabo et al to the method in order to control equipment system, device and appliance in a vehicle.

Art Unit: 2681

Regarding claim 22, the system of Wu is silent to disclose the remote controller comprising a display for displaying the devices after locating and identifying the devices interfaced with the network, and buttons for selecting the devices, wherein the buttons simulate the display of the device. However, Tagliabo et al disclose a remote control device comprising a display for displaying the devices after locating and identifying the devices interfaced with the network, and buttons for selecting the devices, wherein the buttons simulate the display of the device (see col. 1, line 40-col. 2, line 5). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of Tagliabo et al to the method of Wu in order to be easy for user to control equipment system, device.

Regarding claim 23, the system of Wu in view of Tagliabo et al also discloses the buttons generates identification for the devices (see col. 10, line 66 to col. 11, line 20; fig. 2 and 10 of Wu).

Regarding claim 24, the system of Wu in view of Tagliabo et al also discloses wherein the processor send to a devices a request for the command codes in response to a selection of the device by pressing a button corresponding to the device devices (see col. 10, line 66 to col. 11, line 20; fig. 2 and 10 of Wu).

Regarding claims 25 and 26, the system of Wu in view of Tagliabo et al also discloses wherein the display displays the command codes of the controlled device after receive the command codes of the controlled device; wherein the buttons simulate the display of the command codes of the controlled device (see col. 1, line 40-col. 2, line 5 of Tagliabo).

Art Unit: 2681

Regarding claim 27, the system of Wu in view of Tagliabo et al also discloses wherein the processor sends to a device a command code in response to a selection of the command code by pressing a button corresponding to the command code (see col. 10, line 66 to col. 11, line 20; fig. 2 and 10 of Wu).

6. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wu et al. (US Patent Number 6263344) in view of in view of Tagliabo et al (European Patent 0549541) and further in view of Humpleman et al. (US Patent Number 6466971).

Regarding claim 15, the method of Wu in view of Tagliabo is silent to disclose wherein said method further comprises sending communications over an Internet Protocol (IP) based network. However, Humpleman discloses sending communications over an Internet Protocol (IP) based network (see col. 5, lines 5-15 and col. 2, lines 46-51 of Humpleman). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of Humpleman to Wu' method in order to be easy for user to control of multiple network attached devices by a remote control device using internet protocol.

7. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wu et al. (US Patent Number 6263344) in view of in view of Tagliabo et al (European Patent 0549541) and further in view of Schneider et al. (US Patent Number 6304895).

Regarding claim 16, the method of Wu in view of Tagliabo et al is silent to disclose said remote control device containing a touch pad screen. However, Schneider discloses remote control device contains a touch pad screen (see col. 2, lines 50-53. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the

Art Unit: 2681

above teaching of Schneider to the method in order to be easy for user to use the remote control device.

8. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wu et al. (US Patent Number 6263344) in view of in view of Schneider et al. (US Patent Number 6304895)

Regarding claim 20, the method of Wu is silent to disclose said remote control device containing a touch pad screen. However, Schneider discloses remote control device contains a touch pad screen (see col. 2, lines 50-53). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of Schneider to the method in order to be easy for user to use the remote control device.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Q Nguyen whose telephone number is 703-605-4254. The examiner can normally be reached on 8:30AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Erika A Gary can be reached on 703-308-0123. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

DN

David Nguyen


ERIKA GARY
PATENT EXAMINER